

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 14, 2012

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Mike Bishop, followed by the Pledge of Allegiance led by House pages Jessica Lentz and Katrinia Martinez.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twentieth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

1

HONORED GUESTS

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Speaker Rausch introduced Beth Mayrose of Salem, the 2011 South Dakota Girls State Governor, and Jack Gordon of Sioux Falls, the 2011 South Dakota Boys State Governor.

4

COMMUNICATIONS AND PETITIONS

5

February 14, 2012

6

Mr. Speaker and Members of the House of Representatives:

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I have the honor to inform you that on February 13, 2012, I approved House Bills 1003, 1011, 1012, 1013, 1056, 1069, 1077, and 1094, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,
Dennis Daugaard
Governor

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REPORTS OF STANDING COMMITTEES

14

MR. SPEAKER:

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The Committee on Transportation respectfully reports that it has had under consideration SB 107 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

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Respectfully submitted,
Mike Verchio, Chair

20

Also MR. SPEAKER:

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The Committee on Health and Human Services respectfully reports that it has had under consideration SB 14, 15, and 23 and returns the same with the recommendation that said bills do pass.

24

Also MR. SPEAKER:

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The Committee on Health and Human Services respectfully reports that it has had under consideration SB 69 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration SB 72 and returns the same with the recommendation that said bill be amended
4 as follows:

5 72ra

6 On page 2, line 20, of the printed bill, after "devices," insert "excluding the dispensing and
7 fitting of hearing aids pursuant to chapter 36-24,".

8 And that as so amended said bill do pass.

9 Respectfully submitted,
10 Scott Munsterman, Vice Chair

11 **MESSAGES FROM THE SENATE**

12 MR. SPEAKER:

13 I have the honor to return herewith HB 1009, 1010, 1026, 1027, 1028, 1044, and 1075
14 which have passed the Senate without change.

15 Also MR. SPEAKER:

16 I have the honor to transmit herewith SB 37, 75, 108, 146, 148, 158, 160, 169, 183, 186,
17 189, and 191 which have passed the Senate and your favorable consideration is respectfully
18 requested.

19 Respectfully,
20 Fee Jacobsen, Secretary

21 **MOTIONS AND RESOLUTIONS**

22 Yesterday, Rep. Verchio announced his intention to reconsider the vote by which HB 1111
23 lost.

24 Rep. Verchio moved that the House do now reconsider the vote by which HB 1111 lost.

25 The question being on Rep. Verchio's motion to reconsider the vote by which HB 1111
26 lost.

27 And the roll being called:

1 Yeas 35, Nays 35, Excused 0, Absent 0

2 Yeas:

3 Brunner; Elliott; Fargen; Feickert; Feinstein; Greenfield; Hansen (Jon); Hickey; Hubbel;
4 Hunhoff (Bernie); Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp;
5 Liss; Lucas; Miller; Nelson (Stace); Olson (Betty); Russell; Schaefer; Schrempp; Sigdestad;
6 Steele; Stricherz; Tornow; Van Gerpen; Venner; Verchio; Wink; Wismer

7 Nays:

8 Abdallah; Blake; Bolin; Boomgarden; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
9 Gibson; Gosch; Haggar; Hawley; Hoffman; Hunt; Lust; Magstadt; Moser; Munsterman;
10 Novstrup (David); Perry; Romkema; Rozum; Scott; Sly; Solum; Street; Tulson; Turbiville;
11 Vanneman; White; Wick; Willadsen; Speaker Rausch

12 So the motion not having received an affirmative vote of a majority of the members-elect,
13 the Speaker declared the motion lost.

14 SCR 5: A CONCURRENT RESOLUTION, Supporting and encouraging a 2012 interim
15 study and thorough review of drainage laws in South Dakota.

16 Rep. Hawley moved that SCR 5 as found on pages 335 to 337 of the Senate Journal be
17 concurred in.

18 The question being on Rep. Hawley's motion that SCR 5 be concurred in.

19 And the roll being called:

20 Yeas 66, Nays 4, Excused 0, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
23 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
24 Hawley; Hickey; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
25 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Munsterman; Nelson
26 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
27 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
28 Van Gerpen; Venner; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

29 Nays:

30 Hoffman; Moser; Vanneman; Verchio

31 So the motion having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the motion carried and SCR 5 was concurred in.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Lust moved that the reports of the Standing Committees on
3 Appropriations on HB 1242 as found on page 426 of the House Journal; also
4 Judiciary on HB 1126 as found on pages 447 and 448 of the House Journal; also
5 Judiciary on HB 1255 as found on page 448 of the House Journal; also
6 Judiciary on HB 1266 as found on page 448 of the House Journal; also
7 Judiciary on HB 1273 as found on pages 448 and 449 of the House Journal be adopted.
8 Which motion prevailed.

9 Rep. Blake moved that the word NOT be stricken from the report of the Committee on
10 Appropriations on HB 1206 as found on page 427 of the House Journal and that the bill be
11 placed on today's calendar.

12 The question being on Rep. Blake's motion that the word NOT be stricken from the report
13 of the Committee on Appropriations on HB 1206 and that the bill be placed on today's calendar.

14 And the roll being called:

15 Yeas 43, Nays 27, Excused 0, Absent 0

16 Yeas:

17 Abdallah; Blake; Brunner; Deelstra; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson;
18 Greenfield; Hansen (Jon); Hawley; Hickey; Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen;
19 Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Moser; Munsterman; Nelson
20 (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schrempp; Sigdestad; Steele; Street;
21 Stricherz; Van Gerpen; Venner; Verchio; Wismer

22 Nays:

23 Bolin; Boomgarden; Carson; Conzet; Cronin; Dryden; Gosch; Haggar; Hoffman; Hunt; Lust;
24 Magstadt; Miller; Novstrup (David); Schaefer; Scott; Sly; Solum; Tornow; Tulson; Turbiville;
25 Vanneman; White; Wick; Willadsen; Wink; Speaker Rausch

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the motion carried, and HB 1206 was so placed.

28 Rep. Russell moved that the word NOT be stricken from the report of the Committee on
29 State Affairs on HB 1169 as found on page 450 of the House Journal and that the bill be placed
30 on today's calendar.

The question being on Rep. Russell's motion that the word NOT be stricken from the report of the Committee on State Affairs on HB 1169 and that the bill be placed on today's calendar.

And the roll being called:

Yeas 26, Nays 44, Excused 0, Absent 0

Yeas:

Blake; Elliott; Greenfield; Haggar; Hickey; Hubbel; Iron Cloud III; Jensen; Jones; Killer; Kirschman; Kloucek; Kopp; Liss; Lucas; Nelson (Stace); Olson (Betty); Russell; Schrempp; Sigdestad; Steele; Stricherz; Tornow; Van Gerpen; Venner; Verchio

Nays:

Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Hansen (Jon); Hawley; Hoffman; Hunhoff (Bernie); Hunt; Kirkeby; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schaefer; Scott; Sly; Solum; Street; Tulson; Turbiville; Vanneman; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

So the motion not having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion lost.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 37: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

SB 75: FOR AN ACT ENTITLED, An Act to revise the determination of fees that may be charged for certain public records.

Was read the first time and referred to the Committee on Local Government.

SB 108: FOR AN ACT ENTITLED, An Act to revise the maximum bet limit for Deadwood gaming.

Was read the first time and referred to the Committee on Commerce and Energy.

1 SB 146: FOR AN ACT ENTITLED, An Act to provide for an affirmative defense of
2 compulsion for the crime of prostitution.

3 Was read the first time and referred to the Committee on Judiciary.

4 SB 148: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to battery
5 committed against infants and unborn children.

6 Was read the first time and referred to the Committee on Judiciary.

7 SB 158: FOR AN ACT ENTITLED, An Act to create an exception to the loan or credit
8 limitations of state chartered banks.

9 Was read the first time and referred to the Committee on Commerce and Energy.

10 SB 160: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
11 James River Water Development District.

12 Was read the first time and referred to the Committee on Agriculture and Natural
13 Resources.

14 SB 169: FOR AN ACT ENTITLED, An Act to establish the Regional Watershed Advisory
15 Task Force.

16 Was read the first time and referred to the Committee on Agriculture and Natural
17 Resources.

18 SB 183: FOR AN ACT ENTITLED, An Act to establish the elements of the offense of
19 juvenile sexting and to provide a penalty therefor.

20 Was read the first time and referred to the Committee on Judiciary.

21 SB 186: FOR AN ACT ENTITLED, An Act to update the definition of the nonsectarian
22 textbooks that are loaned to certain students to include digital materials.

23 Was read the first time and referred to the Committee on Education.

1 SB 189: FOR AN ACT ENTITLED, An Act to provide a designation on certain nondriver
2 identification cards, driver licenses, and permits that the card holders or licensees are honorably
3 discharged veterans.

4 Was read the first time and referred to the Committee on Appropriations.

5 SB 191: FOR AN ACT ENTITLED, An Act to provide for authorization to offer
6 postsecondary education services in South Dakota.

7 Was read the first time and referred to the Committee on Education.

8 SECOND READING OF CONSENT CALENDAR ITEMS

9 Pursuant to House Rule 7-1, the Speaker removed SB 50 from the Consent Calendar.

10 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

11 HB 1133: FOR AN ACT ENTITLED, An Act to establish the Legislature's Planning
12 Committee.

13 Having had its second reading was up for consideration and final passage.

14 1133ja

15 Rep. Lust moved that HB 1133 be amended as follows:

16 On page 1, line 8, of the printed bill, delete "the chair" and insert "a member".

17 Rep. Moser moved the previous question.

18 Which motion prevailed.

19 Rep. Lust's motion prevailed.

1 1133rb

2 Rep. Lust moved that HB 1133 be further amended as follows:

3 On page 1, line 3, of the printed bill, delete "This" and insert "There".

4 Which motion prevailed.

5 The question being "Shall HB 1133 pass as amended?"

6 And the roll being called:

7 Yeas 52, Nays 18, Excused 0, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;
10 Elliott; Fargen; Feinstein; Gibson; Gosch; Hagggar; Hawley; Hickey; Hoffman; Hunhoff
11 (Bernie); Hunt; Iron Cloud III; Killer; Kirkeby; Kirschman; Lust; Magstadt; Miller; Moser;
12 Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schrempp; Scott; Sigdestad; Sly;
13 Solum; Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; Verchio; White; Wick;
14 Willadsen; Wink; Wismer; Speaker Rausch

15 Nays:

16 Dennert; Feickert; Greenfield; Hansen (Jon); Hubbel; Jensen; Jones; Kloucek; Kopp; Liss;
17 Lucas; Nelson (Stace); Olson (Betty); Russell; Schaefer; Steele; Tornow; Venner

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the bill passed and the title was agreed to.

20 HB 1230: FOR AN ACT ENTITLED, An Act to modify the publication requirements
21 regarding the application for a well driller license or a well pump installer license.

22 Having had its second reading was up for consideration and final passage.

23 1230oa

24 Rep. Tornow moved that HB 1230 be amended as follows:

25 On page 1 of the printed bill, delete line 9, and insert "at least one official newspaper in
26 each directly impacted county where the water".

27 On page 1, line 10, delete ", diminished,".

On page 1, line 10, after "located" insert "and also in one regional newspaper in the immediately surrounding area of the county or counties where the water will be diverted or used".

On page 1, line 14, after "." insert "In addition, the department shall display on the department's internet site any application upon receipt of the application and until the date of any decision on the application.".

Which motion prevailed.

The question being "Shall HB 1230 pass as amended?"

And the roll being called:

Yeas 64, Nays 5, Excused 1, Absent 0

Yeas:

Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Elliott; Fargen; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

Nays:

Dennert; Feickert; Schrempp; Turbiville; Vanneman

Excused:

Abdallah

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

HB 1270: FOR AN ACT ENTITLED, An Act to revise the time period for which unclaimed property is presumed abandoned and to revise certain provisions regarding the publication notice of unclaimed property.

Was read the second time.

The question being "Shall HB 1270 pass as amended?"

And the roll being called:

Yeas 67, Nays 3, Excused 0, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kopp; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
6 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
8 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
9 Rausch

10 Nays:

11 Kloucek; Liss; Lucas

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1185: FOR AN ACT ENTITLED, An Act to prohibit all qualified health plans offered
15 through a health care exchange from including abortion coverage.

16 Was read the second time.

17 Rep. Cronin moved the previous question.

18 Which motion prevailed.

19 The question being "Shall HB 1185 pass as amended?"

20 And the roll being called:

21 Yeas 55, Nays 15, Excused 0, Absent 0

22 Yeas:

23 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
24 Greenfield; Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Iron Cloud III; Jensen;
25 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;
26 Nelson (Stace); Novstrup (David); Olson (Betty); Romkema; Rozum; Russell; Schaefer;
27 Schrempp; Scott; Sly; Solum; Steele; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
28 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

29 Nays:

30 Blake; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Jones;
31 Killer; Perry; Sigdestad; Street; Wismer

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1219: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
2 process of collecting DNA upon arrest for a qualifying offense.

3 Was read the second time.

4 1219oa

5 Rep. Hickey moved that HB 1219 be amended as follows:

6 On page 1, line 7, of the House Judiciary Committee engrossed bill, after "from" insert
7 "physical or constructive".

8 The Speaker, being in doubt of the voice vote, called for a division of the House.

9 The Speaker declared Rep. Hickey's motion lost.

10 The question being "Shall HB 1219 pass as amended?"

11 And the roll being called:

12 Yeas 27, Nays 43, Excused 0, Absent 0

13 Yeas:

14 Bolin; Brunner; Dennert; Elliott; Fargen; Feickert; Feinstein; Gosch; Hansen (Jon); Hickey;
15 Hoffman; Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen; Killer; Lucas; Magstadt; Miller;
16 Moser; Munsterman; Olson (Betty); Stricherz; Van Gerpen; Venner; Willadsen; Speaker Rausch

17 Nays:

18 Abdallah; Blake; Boomgarden; Carson; Conzet; Cronin; Deelstra; Dryden; Gibson; Greenfield;
19 Haggar; Hawley; Hunt; Jones; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lust; Nelson (Stace);
20 Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad;
21 Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Vanneman; Verchio; White; Wick;
22 Wink; Wismer

23 So the bill not having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the bill lost.

25 HB 1164: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
26 sale of certain surplus property in Yankton County.

27 Was read the second time.

1 The question being "Shall HB 1164 pass as amended?"

2 And the roll being called:

3 Yeas 66, Nays 2, Excused 2, Absent 0

4 Yeas:

5 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
6 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
7 Hoffman; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp;
8 Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David);
9 Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly;
10 Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner;
11 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

12 Nays:

13 Hickey; Iron Cloud III

14 Excused:

15 Abdallah; Hubbel

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1199: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
19 distribution of funds to sparse school districts.

20 Was read the second time.

21 The question being "Shall HB 1199 pass as amended?"

22 And the roll being called:

23 Yeas 69, Nays 0, Excused 1, Absent 0

24 Yeas:

25 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
26 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
27 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
28 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;
29 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
30 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
31 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
32 Rausch

33 Excused:

34 Abdallah

1 The question being on the title.

2 1228xta

3 Rep. Cronin moved that the title to HB 1228 be amended as follows:

4 On page 1, line 1, of the House Appropriations Committee engrossed bill, delete "repeal"
5 and insert "review".

6 Which motion prevailed and the title was so amended.

7 HB 1189: FOR AN ACT ENTITLED, An Act to establish a deadline within each semester
8 after which no student may transfer to a school district other than the resident school district
9 through the enrollment options program.

10 Was read the second time.

11 The question being "Shall HB 1189 pass as amended?"

12 And the roll being called:

13 Yeas 55, Nays 13, Excused 2, Absent 0

14 Yeas:

15 Blake; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Feickert; Feinstein; Gibson;
16 Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hoffman; Hunt; Iron Cloud III; Jensen;
17 Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Moser;
18 Munsterman; Novstrup (David); Olson (Betty); Perry; Rozum; Schaefer; Schrempp; Scott;
19 Sigdestad; Solum; Steele; Street; Stricherz; Tornow; Tulson; Vanneman; Venner; Verchio;
20 White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

21 Nays:

22 Bolin; Boomgarden; Brunner; Fargen; Hickey; Hubbel; Hunhoff (Bernie); Miller; Nelson
23 (Stace); Romkema; Russell; Sly; Turbiville

24 Excused:

25 Abdallah; Van Gerpen

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill passed and the title was agreed to.

28 HB 1193: FOR AN ACT ENTITLED, An Act to regulate the sale of dextromethorphan and
29 to provide a penalty thereto.

30 Was read the second time.

1 The question being "Shall HB 1193 pass as amended?"

2 And the roll being called:

3 Yeas 9, Nays 60, Excused 1, Absent 0

4 Yeas:

5 Abdallah; Haggar; Hansen (Jon); Hunt; Killer; Nelson (Stace); Russell; Schaefer; Stricherz

6 Nays:

7 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
8 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hawley; Hickey; Hoffman;
9 Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen; Jones; Kirkeby; Kirschman; Kloucek; Kopp;
10 Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty);
11 Perry; Romkema; Rozum; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow;
12 Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;
13 Speaker Rausch

14 Excused:

15 Van Gerpen

16 So the bill not having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill lost.

18 HB 1253: FOR AN ACT ENTITLED, An Act to prohibit the judicial enforcement of any
19 religious codes.

20 Was read the second time.

21 The question being "Shall HB 1253 pass as amended?"

22 And the roll being called:

23 Yeas 47, Nays 22, Excused 1, Absent 0

24 Yeas:

25 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
26 Greenfield; Haggar; Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby; Kopp; Liss; Lust;
27 Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty);
28 Romkema; Rozum; Russell; Schaefer; Scott; Sly; Solum; Steele; Stricherz; Tulson; Turbiville;
29 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

30 Nays:

31 Blake; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hansen (Jon); Hawley; Hunhoff
32 (Bernie); Iron Cloud III; Jones; Killer; Kirschman; Kloucek; Lucas; Perry; Schrempp; Sigdestad;
33 Street; Tornow; Wismer

1 Excused:
2 Van Gerpen

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1136: FOR AN ACT ENTITLED, An Act to revise the state aid to education formula
6 and to make an appropriation.

7 Was read the second time.

8 The question being "Shall HB 1136 pass?"

9 And the roll being called:

10 Yeas 62, Nays 7, Excused 1, Absent 0

11 Yeas:
12 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
13 Dryden; Elliott; Fargen; Feickert; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
14 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;
15 Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry;
16 Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz;
17 Tornow; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
18 Wismer; Speaker Rausch

19 Nays:
20 Feinstein; Iron Cloud III; Kloucek; Kopp; Lucas; Nelson (Stace); Russell

21 Excused:
22 Van Gerpen

23 So the bill having received an affirmative vote of a two-thirds majority of the members-
24 elect, the Speaker declared the bill passed and the title was agreed to.

25 HB 1137: FOR AN ACT ENTITLED, An Act to affect medical services.

26 Was read the second time.

27 The question being "Shall HB 1137 pass?"

28 And the roll being called:

29 Yeas 62, Nays 7, Excused 1, Absent 0

1 Yeas:

2 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
3 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
4 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;
5 Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry;
6 Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz;
7 Tornow; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
8 Wismer; Speaker Rausch

9 Nays:

10 Blake; Iron Cloud III; Kloucek; Kopp; Lucas; Nelson (Stace); Russell

11 Excused:

12 Van Gerpen

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1220: FOR AN ACT ENTITLED, An Act to conditionally repeal certain provisions
16 establishing network adequacy standards, quality assessment and improvement requirements,
17 utilization review and benefit determination requirements, and grievance procedures for
18 managed health care plans, and certain standards for managed health care plans if the Patient
19 Protection and Affordable Care Act is found to be unconstitutional.

20 Was read the second time.

21 1220oa

22 Rep. Russell moved that HB 1220 be amended as follows:

23 On page 1, line 10, of the printed bill, after "entirety" insert "or in part".

24 A roll call vote was requested and supported.

25 The question being on Rep. Russell's motion that HB 1220 be amended.

26 And the roll being called:

27 Yeas 16, Nays 53, Excused 1, Absent 0

28 Yeas:

29 Greenfield; Haggar; Hansen (Jon); Hickey; Hubbel; Jensen; Kopp; Liss; Miller; Nelson (Stace);
30 Olson (Betty); Russell; Steele; Tornow; Venner; Verchio

1 Nays:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Hawley; Hoffman; Hunhoff
4 (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirkeby; Kirschman; Kloucek; Lucas; Lust;
5 Magstadt; Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schaefer;
6 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tulson; Turbiville; Vanneman;
7 White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

8 Excused:

9 Van Gerpen

10 So the motion not having received an affirmative vote of a majority of the members
11 present, the Speaker declared the motion lost.

12 The question being "Shall HB 1220 pass?"

13 And the roll being called:

14 Yeas 51, Nays 18, Excused 1, Absent 0

15 Yeas:

16 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
17 Greenfield; Hagggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby; Kopp;
18 Liss; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson
19 (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sly; Solum; Steele; Street;
20 Stricherz; Tornow; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen;
21 Wink; Speaker Rausch

22 Nays:

23 Blake; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron
24 Cloud III; Jones; Killer; Kirschman; Kloucek; Lucas; Schrempp; Sigdestad; Wismer

25 Excused:

26 Van Gerpen

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the bill passed and the title was agreed to.

29 Speaker Pro tempore Gosch now presiding.

30 HB 1242: FOR AN ACT ENTITLED, An Act to revise the general appropriations act for
31 fiscal year 2012.

32 Was read the second time.

1 The question being "Shall HB 1242 pass as amended?"

2 And the roll being called:

3 Yeas 65, Nays 4, Excused 1, Absent 0

4 Yeas:

5 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Deelstra; Dennert; Dryden;
6 Elliott; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
7 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
8 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup
9 (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly;
10 Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner;
11 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

12 Nays:

13 Cronin; Fargen; Nelson (Stace); Russell

14 Excused:

15 Steele

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1126: FOR AN ACT ENTITLED, An Act to establish provisions that certain bonds
19 paid by, or on behalf of, certain persons with child support arrearages shall be paid to the
20 Department of Social Services to pay any child support the defendant owes.

21 Was read the second time.

22 The question being "Shall HB 1126 pass as amended?"

23 And the roll being called:

24 Yeas 69, Nays 1, Excused 0, Absent 0

25 Yeas:

26 Abdallah; Blake; Bolin; Boomgarden; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
27 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
28 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
29 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;
30 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
31 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
32 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
33 Rausch

1 Nays:

2 Brunner

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1255: FOR AN ACT ENTITLED, An Act to prohibit the enforcement of surrogacy
6 arrangements.

7 Was read the second time.

8 The question being "Shall HB 1255 pass as amended?"

9 And the roll being called:

10 Yeas 36, Nays 34, Excused 0, Absent 0

11 Yeas:

12 Bolin; Brunner; Conzet; Cronin; Gosch; Greenfield; Haggar; Hansen (Jon); Hickey; Hubbel;
13 Hunt; Jensen; Kirschman; Kloucek; Kopp; Liss; Lust; Miller; Moser; Munsterman; Nelson
14 (Stace); Olson (Betty); Russell; Schaefer; Sly; Steele; Stricherz; Tornow; Tulson; Van Gerpen;
15 Vanneman; Venner; Verchio; Wick; Willadsen; Speaker Rausch

16 Nays:

17 Abdallah; Blake; Boomgarden; Carson; Deelstra; Dennert; Dryden; Elliott; Fargen; Feickert;
18 Feinstein; Gibson; Hawley; Hoffman; Hunhoff (Bernie); Iron Cloud III; Jones; Killer; Kirkeby;
19 Lucas; Magstadt; Novstrup (David); Perry; Romkema; Rozum; Schrempp; Scott; Sigdestad;
20 Solum; Street; Turbiville; White; Wink; Wismer

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 HB 1266: FOR AN ACT ENTITLED, An Act to reduce the period of time necessary to
24 cure and validate certain adoption proceedings.

25 Was read the second time.

26 The question being "Shall HB 1266 pass as amended?"

27 And the roll being called:

28 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
6 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
7 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow;
8 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
9 Wismer; Speaker Rausch

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 Speaker declared the bill passed and the title was agreed to.

12 HB 1273: FOR AN ACT ENTITLED, An Act to prohibit the sale of loose leaf incense to
13 minors, to prohibit certain marketing techniques, to regulate the sale of certain types of incense,
14 to provide penalties therefor, and to declare an emergency.

15 Was read the second time.

16 1273xa

17 Rep. Tornow moved that HB 1273 be amended as follows:

18 On page 1, line 10, of the House Judiciary Committee engrossed bill, delete "a" and insert
19 "any".

20 On page 1, line 10, delete "under twenty-one years of age".

21 On page 1, delete lines 12 to 14, inclusive.

22 On page 2, delete lines 1 to 24, inclusive.

23 On page 3, delete line 1.

24 Which motion lost.

25 The question being "Shall HB 1273 pass as amended?"

26 And the roll being called:

27 Yeas 66, Nays 3, Excused 1, Absent 0

1 Yeas:

2 Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Feickert;
3 Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;
4 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;
5 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
6 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
7 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen;
8 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Boomgarden; Fargen; Tornow

11 Excused:

12 Abdallah

13 So the bill having received an affirmative vote of a two-thirds majority of the members-
14 elect, the Speaker declared the bill passed and the title was agreed to.

15 HB 1206: FOR AN ACT ENTITLED, An Act to make an appropriation for Feeding South
16 Dakota and to repeal the sales tax on food refund program.

17 Was read the second time.

18 The question being "Shall HB 1206 pass as amended?"

19 And the roll being called:

20 Yeas 49, Nays 18, Excused 3, Absent 0

21 Yeas:

22 Blake; Brunner; Conzet; Deelstra; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson;
23 Greenfield; Hansen (Jon); Hawley; Hickey; Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen;
24 Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
25 Munsterman; Nelson (Stace); Olson (Betty); Perry; Rozum; Schaefer; Schrempp; Scott;
26 Sigdestad; Sly; Steele; Street; Stricherz; Tulson; Van Gerpen; Venner; Verchio; Willadsen;
27 Wismer

28 Nays:

29 Bolin; Boomgarden; Carson; Cronin; Dryden; Gosch; Haggar; Hoffman; Hunt; Novstrup
30 (David); Romkema; Solum; Tornow; Turbiville; Vanneman; White; Wink; Speaker Rausch

31 Excused:

32 Abdallah; Russell; Wick

33 So the bill having received an affirmative vote of a two-thirds majority of the members-
34 elect, the Speaker declared the bill passed and the title was agreed to.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

Rep. Lust moved that SB 32, 4, 9, 36, 38, 45, 35, and 99 be deferred to Wednesday, February 15, the 22nd legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1001 and 1076 were delivered to his Excellency, the Governor, for his approval at 10:15 a.m., February 14, 2012.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1009, 1010, 1026, 1027, 1028, 1044, and 1075 and finds the same correctly enrolled.

Respectfully submitted,
Val Rausch, Chair

Speaker Rausch now presiding.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1009: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to licenses issued by the Board of Pharmacy.

HB 1010: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete statutes and rules related to the Department of Health.

HB 1026: FOR AN ACT ENTITLED, An Act to repeal certain outdated or unnecessary statutes related to the Department of Social Services.

1 HB 1027: FOR AN ACT ENTITLED, An Act to repeal certain outdated or unnecessary
2 statutes related to the Division of Behavioral Health within the Department of Social Services.

3 HB 1028: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state
4 employees and to the administration of state personnel matters.

5 HB 1044: FOR AN ACT ENTITLED, An Act to repeal certain statutes relating to the
6 Bureau of Intergovernmental Relations.

7 HB 1075: FOR AN ACT ENTITLED, An Act to allow certain property tax documents to
8 be transmitted electronically.

9 SB 102: FOR AN ACT ENTITLED, An Act to clarify the procedures for the
10 apportionment of funds among townships.

11 And signed the same in the presence of the House.

12 COMMEMORATIONS

13 HC 1020 Introduced by: Representatives Dennert, Brunner, and Sly and Senator Novstrup
14 (Al)

15 A LEGISLATIVE COMMEMORATION, Commending and honoring Duane Alm, a member
16 of the Aberdeen School District Board of Education, on his selection as the Associated
17 School Boards of South Dakota Outstanding School Board Member of South Dakota for
18 2011.

19 WHEREAS, Duane Alm has served his community and the students of the Aberdeen School
20 District for more than forty years in education as a teacher and administrator, and ten years as
21 a member of the Board of Education; and

22 WHEREAS, Duane Alm has worked tirelessly as an advocate on behalf of public education
23 at the state and national level; and

24 WHEREAS, Duane Alm led the charge in Aberdeen to become one of the first districts in
25 the state to develop a framework of goals, mission, and vision to drive district progress; and

26 WHEREAS, Duane Alm is a strong advocate of the importance of policy, a good
27 relationship between the superintendent and school board, data-driven decision making and staff
28 professional development; and

29 WHEREAS, Duane Alm is dedicated to providing high quality services, direction and
30 assistance to school districts, speaking loudly for the achievement, welfare, and safety of all
31 South Dakota's children:

5 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
6 5:49 p.m. the House adjourned.

7 Karen Gerdes, Chief Clerk